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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,468

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Balaji Balasa

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Facet Biotech Corporation, ATTN; Legal Department  
1400 Seaport Blvd.  
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EXAMINER

HOWARD, ZACHARY C

ART UNIT

PAPER NUMBER

1646

MAIL DATE

DELIVERY MODE

03/01/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/581,468

Examiner

ZACHARY C. HOWARD

Applicant(s)

BALASA ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 08 December 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☒ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Bridget E Bunner/  
Primary Examiner, Art Unit 1647

Continuation of 1(c) Other:

The amendment to the specification filed on 12/8/09 is non-compliant for the following reasons:

A Notice of Non-compliant Amendment (PTOL-324) was previously mailed on 11/23/09. This notice indicated that the amendment to the specification filed on 8/11/09 was non-compliant due to three undocumented changes to the specification (designated (1)-(3) therein). It was further noted that Applicants did not respond to several objections to the specification made in the Office Action mailed 2/17/09.

In the amendment to the specification filed on 12/8/09, Applicants include amendments that document changes (1)-(3), as well as addressing the other objections to the specification. However, rather than making the amendments to the specification as originally filed (8/11/09), the amendments have been made with respect to the non-compliant amendment filed on 8/11/09, which is not considered to have been entered in the record. For example, in the original specification, page 3, line 17 recited "SEQ ID NO: 48". In the amendment filed 8/11/09, this was changed to "SEQ ID NO: 46". However, this change was not entered due to the undocumented (non-compliant) changes to this same page. In the amendment filed 12/8/09, line 17 is shown as reciting "SEQ ID NO: 46" without the appropriate markings indicating the change from "SEQ ID NO: 48".

Applicants must amend the specification with respect to the immediate previous version of the specification, which in this case is the original specification filed on 6/1/06. Thus, Applicants should resubmit the amendment to the specification in such a form that includes documentation showing all of the changes to the specification (i.e., a single amendment showing all of the changes from both the 8/11/09 and 12/8/09 non-compliant amendments) with respect to the original specification filed on 6/1/06.